

**B1 (Official Form 1)(1/08)**

**United States Bankruptcy Court  
Northern District of Illinois**

## **Voluntary Petition**

|  |   |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
|--|---|---|---|-------------------------------------|------------------------------|-------------------------------------|--------------------------------|------------------------------|--------------------------|--------------------------|--------------------------|-----------------|-----------------------|------------------------|--------------------------|-----------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------|-----------------------|--|
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>Kelley, Albert Jr.</b>  | Name of Joint Debtor (Spouse) (Last, First, Middle):  |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):   | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):  |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)<br><b>xxx-xx-1948</b>  | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)   |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Street Address of Debtor (No. and Street, City, and State):<br><b>17319 Volbrecht Dr<br/>South Holland, IL</b>   | Street Address of Joint Debtor (No. and Street, City, and State):   |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| ZIP Code<br><b>60473</b>   | ZIP Code  |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| County of Residence or of the Principal Place of Business:<br><b>Cook</b>  | County of Residence or of the Principal Place of Business:  |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Mailing Address of Debtor (if different from street address):  | Mailing Address of Joint Debtor (if different from street address):   |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| ZIP Code   | ZIP Code  |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Location of Principal Assets of Business Debtor (if different from street address above):  |   |   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| <b>Type of Debtor</b><br>(Form of Organization)<br>(Check one box)   | <b>Nature of Business</b><br>(Check one box)  | <b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
|  | <input type="checkbox"/> Health Care Business<br><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)<br><input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank<br><input type="checkbox"/> Other  | <input type="checkbox"/> Chapter 7<br><input type="checkbox"/> Chapter 9<br><input type="checkbox"/> Chapter 11<br><input type="checkbox"/> Chapter 12<br><input checked="" type="checkbox"/> Chapter 13  | <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding<br><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| <b>Filing Fee</b> (Check one box)  | <b>Tax-Exempt Entity</b><br>(Check box, if applicable)  | <b>Nature of Debts</b><br>(Check one box)   |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
|  | <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).  | <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."<br><input type="checkbox"/> Debts are primarily business debts.  |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| <input type="checkbox"/> Full Filing Fee attached<br><br><input checked="" type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.<br><br><input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.  | Check one box:<br><input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).<br><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).<br>Check if:<br><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. | <b>Chapter 11 Debtors</b><br><input type="checkbox"/> A plan is being filed with this petition.<br><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| <b>Statistical/Administrative Information</b><br><input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.   |   | THIS SPACE IS FOR COURT USE ONLY  |   |                                     |                              |                                     |                                |                              |                          |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Estimated Number of Creditors<br><table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1,000-5,000</td> <td>5,001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>50,001-100,000</td> <td>OVER 100,000</td> </tr> </table>  |   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>     | <input type="checkbox"/>            | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1-49            | 50-99                 | 100-199                | 200-999                  | 1,000-5,000                 | 5,001-10,000                 | 10,001-25,000                 | 25,001-50,000                  | 50,001-100,000               | OVER 100,000          |  |
| <input checked="" type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>     | <input type="checkbox"/>            | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| 1-49   | 50-99   | 100-199   | 200-999   | 1,000-5,000                         | 5,001-10,000                 | 10,001-25,000                       | 25,001-50,000                  | 50,001-100,000               | OVER 100,000             |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Estimated Assets<br><table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table>      |   | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | \$0 to \$50,000 | \$50,001 to \$100,000 | \$100,001 to \$500,000 | \$500,001 to \$1 million | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | \$100,000,001 to \$500 million | \$500,000,001 to \$1 billion | More than \$1 billion |  |
| <input type="checkbox"/>   | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>            | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| \$0 to \$50,000  | \$50,001 to \$100,000   | \$100,001 to \$500,000  | \$500,001 to \$1 million  | \$1,000,001 to \$10 million         | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million       | \$100,000,001 to \$500 million | \$500,000,001 to \$1 billion | More than \$1 billion    |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| Estimated Liabilities<br><table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table> |   | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | \$0 to \$50,000 | \$50,001 to \$100,000 | \$100,001 to \$500,000 | \$500,001 to \$1 million | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | \$100,000,001 to \$500 million | \$500,000,001 to \$1 billion | More than \$1 billion |  |
| <input type="checkbox"/>   | <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>            | <input type="checkbox"/>       | <input type="checkbox"/>     | <input type="checkbox"/> |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |
| \$0 to \$50,000  | \$50,001 to \$100,000   | \$100,001 to \$500,000  | \$500,001 to \$1 million  | \$1,000,001 to \$10 million         | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million       | \$100,000,001 to \$500 million | \$500,000,001 to \$1 billion | More than \$1 billion    |                          |                          |                 |                       |                        |                          |                             |                              |                               |                                |                              |                       |  |

B1 (Official Form 1)(1/08)

|   |                                 |  |
|---|---------------------------------|--|
| <b>Voluntary Petition</b><br><i>(This page must be completed and filed in every case)</i>   |                                 | Name of Debtor(s):<br><b>Kelley, Albert Jr.</b>  |
| <b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet)   |                                 |  |
| Location<br>Where Filed: <b>Northern District of Illinois</b>   | Case Number:<br><b>08-12843</b> | Date Filed:<br><b>5/20/08</b>  |
| Location<br>Where Filed:  | Case Number:                    | Date Filed:  |
| <b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor</b> (If more than one, attach additional sheet)  |                                 |  |
| Name of Debtor:<br><b>- None -</b>  | Case Number:                    | Date Filed:  |
| District:   | Relationship:                   | Judge:   |
| <b>Exhibit A</b><br><br>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  |                                 | <b>Exhibit B</b><br><br>(To be completed if debtor is an individual whose debts are primarily consumer debts.)<br><br>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). |
| <input type="checkbox"/> Exhibit A is attached and made a part of this petition.  |                                 | <b>X /s/ Bennie W. Fernandez</b><br>Signature of Attorney for Debtor(s)<br><b>Bennie W. Fernandez</b><br>(Date)  |
| <b>Exhibit C</b><br><br>Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?<br><br><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.<br><input checked="" type="checkbox"/> No.  |                                 |  |
| <b>Exhibit D</b><br><br>(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)<br><br><input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.<br><br>If this is a joint petition:<br><input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.  |                                 |  |
| <b>Information Regarding the Debtor - Venue</b><br>(Check any applicable box)   |                                 |  |
| <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.<br><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.<br><input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. |                                 |  |
| <b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b><br>(Check all applicable boxes)  |                                 |  |
| <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)   |                                 |  |
| _____<br>(Name of landlord that obtained judgment)  |                                 |  |
| _____<br>(Address of landlord)  |                                 |  |
| <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and<br><input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.<br><input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).  |                                 |  |

B1 (Official Form 1)(1/08)

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):  
**Kelley, Albert Jr.****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X /s/ Albert Kelley, Jr.**Signature of Debtor **Albert Kelley, Jr.****X**

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

**November 3, 2008**

Date

**Signature of Attorney\*****X /s/ Bennie W. Fernandez**

Signature of Attorney for Debtor(s)

**Bennie W. Fernandez**

Printed Name of Attorney for Debtor(s)

**The Law Office of Bennie W. Fernandez**

Firm Name

**108 W. Madison  
Oak Park, IL 60302**

Address

**Email: Bennie161@sbcglobal.net****(708) 386-1812 Fax: (708) 386-2014**

Telephone Number

**November 3, 2008**

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X**

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X**

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

**X**

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person,or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Official Form 1, Exhibit D (10/06)

United States Bankruptcy Court  
Northern District of Illinois

In re Albert Kelley, Jr.

Debtor(s)

Case No.

Chapter

13

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
CREDIT COUNSELING REQUIREMENT**

**Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.**

*Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.*

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.]* \_\_\_\_\_

**If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.**

**Official Form 1, Exh. D (10/06) - Cont.**

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

**I certify under penalty of perjury that the information provided above is true and correct.**

Signature of Debtor: /s/ Albert Kelley, Jr.  
Albert Kelley, Jr.

Date: November 3, 2008

In re

**Albert Kelley, Jr.**

Case No. \_\_\_\_\_

Debtor

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

| CREDITOR'S NAME,<br>MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.) | CODEBTOR | Husband, Wife, Joint, or Community | DATE CLAIM WAS INCURRED AND<br>CONSIDERATION FOR CLAIM. IF CLAIM<br>IS SUBJECT TO SETOFF, SO STATE. | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM                                   |
|---|----------|------------------------------------|---|------------|--------------|----------|---|
|   |          |                                    |   |            |              |          |   |
| Account No. <b>10962744</b>   |          |                                    | <b>Opened 10/01/07<br/>Collection Attorney Ds Waters Of North<br/>America</b>                       |            |              |          | <b>279.00</b>                                     |
| Cba Collecttion Bureau<br>Po Box 5013<br>Hayward, CA 94540  | -        |                                    |   |            |              |          |   |
| Account No. <b>201817</b>   |          |                                    | <b>Opened 12/20/06 Last Active 3/11/08<br/>Agriculture</b>  |            |              |          | <b>2,341.00</b>                                   |
| Nicor Gas<br>Attention: Bankruptcy Department<br>1844 Ferry Road<br>Naperville, IL 60507                      | -        |                                    |   |            |              |          |   |
| Account No. <b>850004270</b>  |          |                                    | <b>Opened 11/30/05 Last Active 12/10/07<br/>Agriculture</b>   |            |              |          | <b>1,119.00</b>                                   |
| Peoples Gas<br>C/O Bankruptcy Department<br>130 E. Randolph Drive<br>Chicago, IL 60602                        | -        |                                    |   |            |              |          |   |
| Account No. <b>250004469</b>  |          |                                    | <b>Opened 7/13/06 Last Active 10/11/07<br/>Agriculture</b>  |            |              |          | <b>2,844.00</b>                                   |
| Peoples Gas<br>C/O Bankruptcy Department<br>130 E. Randolph Drive<br>Chicago, IL 60602                        | -        |                                    |   |            |              |          |   |
| <b>0</b> continuation sheets attached   |          |                                    |   |            |              |          | <b>Subtotal<br/>(Total of this page)</b>          |
|   |          |                                    |   |            |              |          | <b>6,583.00</b>                                   |
|   |          |                                    |   |            |              |          | <b>Total<br/>(Report on Summary of Schedules)</b> |
|   |          |                                    |   |            |              |          | <b>6,583.00</b>                                   |

**United States Bankruptcy Court  
Northern District of Illinois**

In re Albert Kelley, Jr.

Debtor(s)

Case No.

Chapter

13

**DECLARATION CONCERNING DEBTOR'S SCHEDULES**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 17 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date November 3, 2008

Signature /s/ Albert Kelley, Jr.

**Albert Kelley, Jr.**

Debtor

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

**RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN  
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS  
(Model Retention Agreement, revised as of May 1, 2007)**

Chapter 13 gives debtors important rights, such as the right to keep property that could otherwise be lost through repossession or foreclosure—but Chapter 13 also puts burdens on debtors, such as the burden of making complete and truthful disclosures of their financial situation. It is important for debtors who file a Chapter 13 bankruptcy case to understand their rights and responsibilities in bankruptcy. In this connection, the advice of an attorney is often crucial. Debtors are entitled to certain services from by their attorneys, but debtors also have responsibilities to their attorneys. In order to assure that debtors and their attorneys understand their rights and responsibilities in the Chapter 13 process, the judges of the Bankruptcy Court for the Northern District of Illinois have approved the following agreement, setting out the rights and responsibilities of both debtors in Chapter 13 and their attorneys. By signing this agreement, debtors and their attorneys accept these responsibilities.

***BEFORE THE CASE IS FILED***

**THE DEBTOR AGREES TO:**

1. Discuss with the attorney the debtor's objectives in filing the case.
2. Provide the attorney with full, accurate and timely information, financial and otherwise, including properly documented proof of income.

**THE ATTORNEY AGREES TO:**

1. Personally counsel the debtor regarding the advisability of filing either a Chapter 13 or a Chapter 7 case, discuss both procedures (as well as non-bankruptcy options) with the debtor, and answer the debtor's questions.
2. Personally explain to the debtor that the attorney is being engaged to represent the debtor on all matters arising in the case, as required by Local Bankruptcy rule and explain how and when the attorney's fees and the trustee's fees are determined and paid.
3. Personally review with the debtor and sign the completed petition, plan, statements, and schedules, as well as all amendments thereto, whether filed with the petition or later. (The schedules may be initially prepared with the help of clerical or paralegal staff of the attorney's office, but personal attention of the attorney is required for the review and signing.)
4. Timely prepare and file the debtor's petition, plan, statements, and schedules.

5. Explain to the debtor how, when, and where to make all necessary payments, including both payments that must be made directly to creditors and payments that must be made to the Chapter 13 trustee, with particular attention to housing and vehicle payments.

6. Advise the debtor of the need to maintain appropriate insurance.

**AFTER THE CASE IS FILED**

**THE DEBTOR AGREES TO:**

1. Make the required payments to the trustee and to whatever creditors are being paid directly, or, if required payments cannot be made, to notify the attorney immediately.

2. Appear punctually at the meeting of creditors (also called the "341 meeting") with recent proof of income and a picture identification card. (If the identification card does not include the debtor's social security number, the debtor will also bring to the meeting a social security card.) The debtor must be present in time for check-in and when the case is called for the actual examination.

3. Notify the attorney of any change in the debtor's address or telephone number.

4. Inform the attorney of any wage garnishments or liens or levies on assets that occur or continue after the filing of the case.

5. Contact the attorney immediately if the debtor loses employment, has a significant change in income, or experiences any other significant change in financial situation (such as serious illness, marriage, divorce or separation, lottery winnings, or an inheritance).

6. Notify the attorney if the debtor is sued or wishes to file a lawsuit (including divorce).

7. Inform the attorney if any tax refunds to which the debtor is entitled are seized or not received when due from the IRS or Illinois Department of Revenue.

8. Contact the attorney before buying, refinancing, or selling real property, and before entering into any loan agreement.

9. Supply the attorney with copies of all tax returns filed while the case is pending.

**THE ATTORNEY AGREES TO:**

1. Advise the debtor of the requirement to attend the meeting of creditors, and notify the debtor of the date, time, and place of the meeting.

2. Inform the debtor that the debtor must be punctual and, in the case of a joint filing, that both spouses must appear at the same meeting.

3. Provide knowledgeable legal representation for the debtor at the meeting of creditors (in time for check-in and the actual examination) and, unless excused by the trustee, for the confirmation hearing.
4. If the attorney will be employing another attorney to attend the 341meeting or any court hearing, personally explain to the debtor in advance, the role and identity of the other attorney and provide the other attorney with the file in sufficient time to review it and properly represent the debtor.
5. Timely submit to the Chapter 13 trustee properly documented proof of income for the debtor, including business reports for self-employed debtors.
6. Timely respond to objections to plan confirmation and, where necessary, prepare, file, and serve an amended plan.
7. Timely prepare, file, and serve any necessary statements, amended statements and schedules and any change of address, in accordance with information provided by the debtor.
8. Monitor all incoming case information (including, but not limited to, Order Confirming Plan, Notice of Intent to Pay Claims, and 6-month status reports) for accuracy and completeness. Contact the trustee promptly regarding any discrepancies.
9. Be available to respond to the debtor's questions throughout the term of the plan.
10. Prepare, file, and serve timely modifications to the plan after confirmation, when necessary, including modifications to suspend, lower, or increase plan payments.
11. Prepare, file, and serve necessary motions to buy or sell property and to incur debt.
12. Object to improper or invalid claims.
13. Timely respond to the Chapter 13 trustee's motions to dismiss the case, such as for payment default, or unfeasibility, and to motions to increase the percentage payment to unsecured creditors.
14. Timely respond to motions for relief from stay.
15. Prepare, file, and serve all appropriate motions to avoid liens.
16. Provide any other legal services necessary for the administration of the case.
17. In the event that the case is converted to Chapter 7, provide any other legal services which may be necessary consistent with the attorney's responsibilities under Local Bankruptcy Rule 2090-5, with such additional fees as may be appropriate.

***ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES***

1. Any attorney retained to represent a debtor in a Chapter 13 case is responsible for representing the debtor on all matters arising in the case unless otherwise ordered by the court. For all of the services outlined above, the attorney will be paid a fee of

\$ 3,500.00

In extraordinary circumstances, such as extended evidentiary hearings or appeals, the attorney may apply to the court for additional compensation for these services. Any such application must be accompanied by an itemization of the services rendered, showing the date, the time expended, and the identity of the attorney performing the services. The debtor must be served with a copy of the application and notified of the right to appear in court to object.

2. *Early termination of the case.* Fees payable under the provisions set out above are not refundable in the event that the case is dismissed, unless the dismissal is due to a failure by the attorney to comply with the duties set out in this agreement. If a dismissal is due to such a failure by the attorney, the court may order a refund of fees on motion by the debtor.

3. *Retainers.* The attorney may receive a retainer or other payment before filing the case, but may not receive fees directly from the debtor after the filing of the case. In any application for fees, whether or not requiring an itemization, the attorney shall disclose to the court any fees paid by the debtor prior to the case filing.

4. *Improper conduct by the attorney.* If the debtor disputes the sufficiency or quality of the legal services provided or the amount of the fees charged by the attorney, the debtor may file an objection with the court and request a hearing.

5. *Improper conduct by the debtor.* If the attorney believes that the debtor is not complying with the debtor's responsibilities under this agreement or is otherwise not engaging in proper conduct, the attorney may apply for a court order allowing the attorney to withdraw from the case.

6. *Discharge of the attorney.* The debtor may discharge the attorney at any time.

Date: November 3, 2008

Signed:

/s/ Albert Kelley, Jr.

**Albert Kelley, Jr.**

/s/ Bennie W. Fernandez

**Bennie W. Fernandez**

Attorney for Debtor(s)

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Debtor(s)

***Do not sign if the fee amount at top of  
this page is blank.***

**United States Bankruptcy Court  
Northern District of Illinois**

In re Albert Kelley, Jr.

Debtor(s)

Case No.

Chapter

13

**VERIFICATION OF CREDITOR MATRIX**

Number of Creditors: 17

The above-named Debtor(s) hereby verifies that the list of creditors is true and correct to the best of my (our) knowledge.

Date: November 3, 2008

/s/ Albert Kelley, Jr.

Albert Kelley, Jr.

Signature of Debtor

Americas Servicing Co  
Attention: Bankruptcy  
3476 St. View Blvd  
Fort Mill, SC 29715

Cba Collecttion Bureau  
Po Box 5013  
Hayward, CA 94540

Chrysler Financial  
Po Box 8065  
Royal Oak, MI 48068

Citi Residential Lendin  
10801 6th Street  
Rancho Cucamon, CA 91730

Emc Mortgage  
Attention: Bankruptcy Clerk  
Po Box 293150  
Lewisville, TX 75029

Il Dept Of Healthcare  
509 S 6th St  
Springfield, IL 62701

Litton Loan Servicing  
Attention: Bankruptcy  
4828 Loop Central Drive  
Houston, TX 77081

Litton Loan Servicing  
Attention: Bankruptcy  
4828 Loop Central Drive  
Houston, TX 77081

Nicor Gas  
Attention: Bankruptcy Department  
1844 Ferry Road  
Naperville, IL 60507

Ocwen Federal Bank  
12650 Ingenuity Dr.  
Orlando, FL 32826

Peoples Gas  
C/O Bankruptcy Department  
130 E. Randolph Drive  
Chicago, IL 60602

Peoples Gas  
C/O Bankruptcy Department  
130 E. Randolph Drive  
Chicago, IL 60602

Saxon Mortgage Sercive  
4708 Mercantile Dr  
N Fortworth, TX 76137

Saxon Mortgage Sercive  
4708 Mercantile Dr  
N Fortworth, TX 76137

Toyota Motor Credit  
1111 W. 22nd. Street STE 420  
Oak Brook, IL 60523

Wilshire Credit Corp  
Attention: Bankruptcy Department  
Po Box 8517  
Portland, OH 97207

Wilshire Credit Corp  
Attention: Bankruptcy Department  
Po Box 8517  
Portland, OH 97207